

#38  
DMT  
1647-53042

REV. 09/01  
For Other Than A Small Entity

Attorney Docket No. STK-071 CPA2

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: David C. Rueger and Marjorie M. Tucker  
Application No. : 08/822,186  
Confirmation No. : 6062  
Filed : March 20, 1997  
For : IMPROVED OSTEOGENIC DEVICES AND METHODS OF USE THEREOF FOR REPAIR OF ENDOCHONDRAL BONE AND OSTEOCHONDRAL DEFECTS  
Group Art Unit : 1647  
Examiner : D. Romeo

Hon. Commissioner for Patents  
Washington, D.C. 20231

NOTICE OF APPEAL

Sir:

Applicant(s) hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed November 21, 2001 in which the rejection of claims 1-9, 11-25, 31-33, 35 and 36 was made final.

[ ] Applicant(s) respectfully requests an oral hearing before the Board of Appeals. The appropriate fee is submitted herewith.

[X] The appropriate fee for a three-month extension of time to respond to the final rejection was timely paid on May 21, 2002.

05/28/2002 AWONDAF1 00000022 08822186

02 FC:119

320.00 OP

EK708053895US

☐ An additional \_\_\_\_\_-month extension of time to respond to the final rejection is requested and the appropriate extension fee is submitted herewith.

☒ Address all correspondence to:

James F. Haley, Jr.  
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Attorney for Applicants  
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1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000

☒ A check in the amount of ☒ \$320.00 ☐ \$600.00 in payment of the ☒ appeal fee, ☐ appeal and oral hearing fees, is enclosed.

☒ The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

☐ Please charge ☐ \$320.00 ☐ \$600.00 to Deposit Account No. 06-1075 in payment of the ☐ appeal fee; ☐ appeal and oral hearing fees. A duplicate copy of this Notice of Appeal form is enclosed.


#### EXTENSION FEE

☒ The following extension fee is applicable to the Notice of Appeal filed herewith; ☒ \$920.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a).

☒ A check in the amount of ☒ \$920.00 in payment of the extension fee is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional fee required under 37 C.F.R. § 1.17, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

☐ Please charge the ☐ \$110.00; ☐ \$400.00; ☐ \$920.00; ☐ \$1,440.00; ☐ \$1,960.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

  
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